

REMARKS

This responds to the Office Action mailed on August 11, 2003. Claims 1, 32, 37 are amended, no claims are canceled herein, and claims 47-67 are added; as a result, claims 1-5, 7-14, 16, 17, 24, 25, and 32-67 are now pending in this application.

Claims 1, 32 and 37 are amended to more particularly point out and distinctly claim aspects of the present subject matter. Language believed to be unnecessary for the patentability of these claims was removed. Such amendments are believed to be non-narrowing. Applicant has also amended these claims to clarify that the aneurysm treatment device is releasable via axial translation of at least a portion of the probe without lateral motion of the probe with respect to the probe axis. This is clearly illustrated, for example, in Figures 4 and 5 of the present patent application, and the written description corresponding thereto.

Claims 47-67 are new. Applicant respectfully submits that such new claims are fully supported by the present specification and are allowable over the references that are presently of record. No new matter has been added.

§102 Rejection of the Claims

Claims 1, 7-14, 37-39 and 44 were rejected under 35 U.S.C. § 102(b) for anticipation by Schmidt ('932). Applicant respectfully traverses.

Applicant can find no disclosure in Schmidt of, among other things, the aneurysm treatment device being releasable via axial translation of at least a portion of the probe without lateral motion of the probe with respect to the probe axis, as presently recited or incorporated in claims 1, 7-14, 37-39 and 44. In the Office Action, the Examiner agreed that it appears that such lateral motion is necessary to operate the device of Schmidt. (*See* Office Action at 6.)

Moreover, Applicant submits that this is a clinically significant difference, because such lateral motion could unnecessarily disrupt nearby brain tissues or other critical nearby brain structures (regardless of whether the probe is used in conjunction with a trajectory guide having a fixed trajectory into the patient's skull). Moreover, if the probe is used with such a trajectory guide having a fixed trajectory into the patient's skull (see e.g., Application at 9), such lateral motion will be unavailable because such lateral motion is exactly what such a fixed-orientation trajectory guide prevents.

Because all claimed elements are not disclosed by Schmidt, Applicant respectfully requests withdrawal of this basis of rejection of these claims.

§103 Rejection of the Claims

1. Claims 2-5 and 32-35 were rejected under 35 U.S.C. § 103(a) for obviousness over Schmidt ('932) in view of Gillies et al. ('370). Applicant respectfully traverses.

As discussed above with respect to the rejection under 35 U.S.C. § 102(b), Applicant can find no disclosure, teaching, or suggestion in Schmidt and/or Gillies et al. of, among other things, the aneurysm treatment device being releasable via axial translation of at least a portion of the probe without lateral motion of the probe with respect to the probe axis, as presently recited or incorporated in claims 2-5 and 32-35. Accordingly, Applicant respectfully submits that no *prima facie* case of obviousness presently exists with respect to these claims. Therefore, Applicant respectfully requests withdrawal of this basis of rejection of these claims.

2. Claims 24 and 25 were rejected under 35 USC § 103(a) for obviousness over Schmidt ('932) in view of Sheldon et al. ('602). Applicant respectfully traverses.

As discussed above with respect to the rejection under 35 U.S.C. § 102(b), Applicant can find no disclosure, teaching, or suggestion in Schmidt and/or Sheldon et al. of, among other things, the aneurysm treatment device being releasable via axial translation of at least a portion of the probe without lateral motion of the probe with respect to the probe axis, as presently incorporated in claims 24 and 25. Accordingly, Applicant respectfully submits that no *prima facie* case of obviousness presently exists with respect to these claims. Therefore, Applicant respectfully requests withdrawal of this basis of rejection of these claims.

3. Claim 36 was rejected under 35 USC § 103(a) for obviousness over Schmidt ('932) in view of Gillies et al. ('370), and further in view of Sheldon et al. ('602). Applicant respectfully traverses.

As discussed above with respect to the rejection under 35 U.S.C. § 102(b), Applicant can find no disclosure, teaching, or suggestion in Schmidt and/or Gillies et al. and/or Sheldon et al. of, among other things, the aneurysm treatment device being releasable via axial translation of at

least a portion of the probe without lateral motion of the probe with respect to the probe axis, as presently incorporated in claim 36. Accordingly, Applicant respectfully submits that no *prima facie* case of obviousness presently exists with respect to this claim. Therefore, Applicant respectfully requests withdrawal of this basis of rejection of this claim.

Allowable Subject Matter

Claims 16, 17, 40-43, 45 and 46 were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Accordingly, Applicant has introduced new claims 53-60.

Claims 53 and 54 correspond to claims 16 and 17, respectively. Independent claim 53 includes the limitations of independent claim 1 and claim 16. Claim 54 includes the limitations of claim 17, is dependent upon claim 53, and therefore incorporates the limitations of claims 1 and 16. Claims 55-58 correspond to claims 40-43, respectively. Independent claim 55 includes the limitations of independent claim 37 and claims 38-40. Claims 56-58 respectively include the limitations of claims 41-43, are dependent from claim 55, and therefore incorporate the limitations of claims 37-40. Claims 59 and 60 correspond to claims 45 and 46, respectively. Independent claim 59 includes the limitations of independent claim 37 and claims 44 and 45. Claim 60 includes the limitations of claim 46, is dependent from claim 59, and therefore incorporates the limitations of claims 37, 44 and 45. Applicant respectfully requests allowance of new claims 53-60.

Applicant has added new claims 61-67 to separately claim various aspects previously presented together in claim 14. Applicant respectfully requests allowance of these claims.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (612-373-6951) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743

Respectfully submitted,


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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 10 day of December, 2003.

Candis B. Buending

Name

Signature

